

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

GURAL FOSTER

PLAINTIFF

v.

No. 4:19-cv-896-DPM

WELCARE HEALTH PLANS

DEFENDANT

ORDER

1. Foster's motion to proceed *in forma pauperis*, No. 1, is denied with instructions. He receives approximately \$2,300 a month in income, and after expenses has around \$800 to spend. The Court concludes he can pay the \$400 filing fee. But, Foster can pay the fee in installments and must pay at least \$100 each month until the \$400 fee is paid. The first \$100 payment is due by 15 January 2020. If no payment is made by then, the Court will dismiss his complaint without prejudice.

2. The Court also notes that subject matter jurisdiction in this dispute is doubtful on the facts pleaded. Is there complete diversity of citizenship between the parties? What is the amount in controversy? 28 U.S.C. § 1332(a). Therefore, Foster must also file an amended complaint by 15 January 2020 which clarifies the jurisdictional facts. If he does not, the Court will dismiss his complaint without prejudice.

So Ordered.

W.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

19 December 2019